

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

DONTE E. GRIFFIN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-20-1254-J
	)	
SGT. FITZCHILD, et. al.,	)	
	)	
Defendants.	)	

**ORDER**

This matter was referred for initial proceedings to United States Magistrate Judge Gary M. Purcell consistent with 28 U.S.C. § 636(b)(1)(B), (C). Currently pending is Judge Purcell's Supplemental Report and Recommendation [Doc. No. 48] and Second Supplemental Report and Recommendation [Doc. No. 49]. Despite being cautioned that he must file any objection no later than January 31, 2022, *see* [Doc. Nos. 48-49], Plaintiff did not object to either recommendation and has waived his right to appellate review of the factual and legal issues addressed in the Supplemental and Second Supplemental Report and Recommendations. *See Casanova v. Ulibarri*, 595 F.3d 1120, 1123 (10th Cir. 2010).

**I. Supplemental Report and Recommendation [Doc. No. 48]**

On January 7, 2022, the Court entered an Order noting that Plaintiff had not re-named Defendants April Bearden or Regina Meloney in his Second Amended Complaint and mooted Judge Purcell's Supplemental Report and Recommendation which addressed their pending motions to dismiss. [Doc. No. 47]. However, the Court failed to terminate Defendants Bearden and Meloney's pending motions. Accordingly, Judge Purcell has entered another Supplemental Report and Recommendation recommending those motions [Doc. Nos. 32-33] be denied as moot and Defendants Bearden and Meloney be dismissed from the action. [Doc. No. 48].

The Court ADOPTS the Supplemental Report and Recommendation [Doc. No. 48] and DENIES Defendants Bearden and Meloney's motions to dismiss [Doc. Nos. 32-33] as MOOT. Defendants Bearden and Meloney are DISMISSED without prejudice.

**II. Second Supplemental Report and Recommendation [Doc. No. 49]**

Additionally, Judge Purcell has screened the Second Amended Complaint and recommended that Defendant J. Renschmidt be dismissed without prejudice based on a lack of personal participation in the alleged underlying constitutional violations. [Doc. No. 49].

Again, with no objection from Plaintiff, the Court ADOPTS the Second Supplemental Report and Recommendation [Doc. No. 49] and DISMISSES Defendant J. Renschmidt without prejudice.

The matter continues to be REFERRED to Judge Purcell.

IT IS SO ORDERED this 9<sup>th</sup> day of February, 2022.

  
BERNARD M. JONES  
UNITED STATES DISTRICT JUDGE